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 LOS ANGELES TIMES COMMUNICATIONS LLC and
 CALIFORNIANS AWARE

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF LOS ANGELES

BS138331

LOS ANGELES TIMES
 COMMUNICATIONS LLC and
 CALIFORNIANS AWARE,

Petitioners,

vs.

LOS ANGELES MEMORIAL COLISEUM
 COMMISSION,

Respondent.

) Case No.

) VERIFIED PETITION FOR
) DECLARATORY RELIEF AND WRITS
) OF MANDATE DIRECTED TO THE LOS
) ANGELES MEMORIAL COLISEUM
) COMMISSION ORDERING
) COMPLIANCE WITH THE RALPH M.
) BROWN ACT AND CALIFORNIA
) PUBLIC RECORDS ACT

) [Cal. Gov't Code §§ 6250 et seq.; Cal. Gov't
) Code § 54960]

Pursuant to the Ralph M. Brown Act (Gov't Code § 54960) ("Brown Act"), the California Public Records Act (Gov't Code § 6250 et seq.) ("CPRA"), and Article I, § 3 of the California Constitution, petitioners Los Angeles Times Communications LLC, which publishes the Los Angeles Times ("The Times"), and Californians Aware (collectively, "Petitioners") petition this Court for declaratory relief and writs of mandate directed to respondent Los Angeles Memorial Coliseum Commission ("Commission"), commanding the Commission to comply with its obligations under the Brown Act and the CPRA. By this verified Petition, Petitioners allege:

SUMMARY OF ALLEGATIONS

1. For the past year and a half, The Times has reported on a series of financial management improprieties at the Commission that have spawned state and local investigations and led to the criminal indictment of three former agency managers (and three other people who did business with the Commission). Meanwhile, during this same period, the Commission has negotiated a controversial long-term deal to transfer control of the publicly-owned Coliseum to the private University of Southern California ("USC"). Notwithstanding the public's strong interest in the disposition of the Coliseum, and despite the even greater need for openness in the wake of recent scandals involving the Coliseum, the Commission has disregarded its legal obligations and restricted public access to information concerning the USC deal. In particular, the Commission has conducted nearly all of its discussions about the USC lease in a series of secret closed sessions, in violation of the Brown Act. The Commission also has refused to release numerous public records that the Times requested about the Coliseum management, in violation of the CPRA.

THE PARTIES

2. Petitioner Los Angeles Times Communications LLC is a limited liability corporation organized under the laws of the State of Delaware, which is authorized to do business and is doing business in the County of Los Angeles. At all times relevant to the Petition, The Times has been engaged in the business of gathering and disseminating information to the public, including information about the performance of state and local government departments and agencies like the Commission, through its publication of the Los Angeles Times, a newspaper of general circulation distributed in Los Angeles County as well as throughout the State of California.

1 As such, The Times is within the class of persons beneficially interested in Respondent's
2 performance of its legal duties under the Brown Act and the CPRA.

3 3. Petitioner Californians Aware is a 501(c)(3) public benefit corporation organized
4 under the laws of California, governed by a board comprised of public officials, publicly minded
5 citizens, and journalists, whose mission includes the promotion and defense of the principles of
6 open government. As such, Californians Aware is within the class of persons beneficially
7 interested in Respondent's performance of its legal duties under the Brown Act and the CPRA.¹

8 4. Respondent Los Angeles Memorial Coliseum Commission is a governmental
9 commission charged with operating the Los Angeles Memorial Coliseum and the Los Angeles
10 Memorial Sports Arena pursuant to a joint powers agreement entered into by the City of Los
11 Angeles, the County of Los Angeles, and the Sixth District Agricultural Association, an
12 instrumentality of the State of California. See Gov't Code § 8300. As such, the Commission is a
13 "local agency" as defined in the Brown Act (see Gov't Code § 54951), and the CPRA (see Gov't
14 Code § 6252(d)).

15 **FACTUAL BACKGROUND REGARDING BROWN ACT VIOLATIONS**

16 5. The Times began uncovering financial improprieties involving the Coliseum through
17 its reporting on a series of controversial electronic music dance events known as "raves" that were
18 permitted to take place at the Coliseum. In July 2010, the Commission enacted a moratorium on
19 "raves" in the wake of a teenager's death of a drug overdose after attending a "rave" at the
20 Coliseum. But less than four months later, at its November 3, 2010 meeting, the Commission
21 abruptly overturned the moratorium. The agenda for the November 3 meeting listed a "report by
22 general manager ... and possible action" on a variety of issues, including an "electronic dance
23 music events report." The Commission did not give specific notice to the public that a vote on the
24 moratorium might take place. Although the agenda was posted in a glass case outside of the
25 Coliseum, it was not available online. Following the vote, two commissioners who had been absent
26 at the meeting complained about the lack of public notice about the vote, and they urged the

27 ¹ Californians Aware brings only the First Cause of Action for violations of the Brown Act.
28

1 Commission to reconsider the decision. The Times reported on these developments on November
2 4, 2010, in an article under the bylines of Rong-Gong Lin II and Andrew Blankstein entitled
3 "Coliseum panel overturns ban on raves," and on November 5, 2010, in an article under the bylines
4 of Mr. Lin and Mr. Blankstein entitled "Los Angeles Coliseum panel urged to reconsider ending
5 rave ban." True and correct copies of these articles are attached as Exhibit A.

6 6. Throughout 2011, The Times published a series of investigative reports examining
7 financial irregularities at the Los Angeles Memorial Coliseum that were connected to the rave
8 events.

9 a. On February 9, 2011, The Times published an article under the bylines of Mr.
10 Blankstein, Mr. Lin, and Paul Pringle entitled "Los Angeles Coliseum official was paid by rave
11 firm."

12 b. On February 16, 2011, The Times published an article under the bylines of Mr.
13 Blankstein, Mr. Lin, and Mr. Pringle entitled "L.A. Coliseum manager quits over aide's ties to
14 rave promoter."

15 c. On June 9, 2011, The Times published an article under the bylines of Mr.
16 Blankstein, Mr. Lin, and Mr. Pringle entitled "Coliseum official profited on side deals."

17 d. On July 17, 2011, The Times published an article under the bylines of Mr. Pringle
18 and Mr. Lin entitled "Coliseum officials got big vehicle perks."

19 e. On September 3, 2011, The Times published an article under the bylines of Mr.
20 Pringle and Mr. Lin entitled "Coliseum official directed stadium work to firm he founded."

21 f. On December 31, 2011, The Times published an article under the bylines of Mr.
22 Pringle and Mr. Lin entitled "Tracing Coliseum's fiscal decay."

23 True and correct copies of these articles are attached as Exhibit B.

24 7. On November 3, 2011, the Commission filed a lawsuit in Los Angeles County
25 Superior Court (Case No. BC472814) against the Coliseum's former general manager, Patrick
26 Lynch, and former events manager, Todd DeStefano, alleging that they improperly attempted to
27 profit personally at the expense of the Commission. The lawsuit also named Insomniac Inc. and Go
28 Ventures Inc., two music promotion companies that staged raves at the Coliseum or at the Sports

1 Arena. An amended complaint was filed on January 10, 2012, that included additional allegations
2 that Commission employees made improper cash payments on behalf of promoters to a union
3 representative. True and correct copies of the Commission's First Amended Complaint, a press
4 release from the Commission announcing the filing of the amended complaint, and an e-mail from
5 a county official announcing the filing of the amended complaint are attached as Exhibit C.

6 8. In the midst of this controversy surrounding the fiscal management of the Coliseum,
7 the Commission held a closed session on September 7, 2011, during which it voted to begin
8 negotiating a new lease that would give greater control over the Coliseum to its main tenant, USC.
9 True and correct copies of the Commission's agenda and minutes for the September 7, 2011
10 meeting are attached as Exhibit D. The Times published an article about the decision on September
11 8, 2011 under the bylines of Mr. Lin and Mr. Pringle entitled "L.A. Coliseum panel votes to pursue
12 new lease with USC." A true and correct copy of the article is attached as Exhibit E.

13 9. Following its closed-door vote on September 7, 2011, the Commission continued to
14 conduct discussions of the proposed lease with USC in closed sessions. True and correct copies of
15 the Commission's agendas and minutes for its October 5, 2011, November 2, 2011, December 7,
16 2011, December 21, 2011, and January 11, 2012 meetings are attached as Exhibit F. Each of the
17 attached agendas shows that the Commission held only closed session discussions of the proposed
18 USC lease for these meetings.

19 10. The agenda for the Commission's February 1, 2012 meeting again listed only a
20 closed session discussion of the proposed lease with USC. A true and correct copy of the
21 Commission's agenda for the planned February 1, 2012 meeting is attached as Exhibit G. During
22 the public portion of the meeting, a reporter for The Times asked the commissioners why the
23 agenda had not been posted outside the hearing room three days before the scheduled meeting date,
24 as required by the Brown Act. The Commission's attorney acknowledged at the meeting that the
25 failure to properly post the agenda had violated the Brown Act, and the Commission cancelled the
26 remainder of the session. The Times published an article on February 2, 2012, under the byline of
27 Mr. Lin and Mr. Pringle entitled "Coliseum Commission takes heat over transparency, halts
28

1 meeting,” recounting the incident and reporting on the Commission’s closed door discussions about
2 the USC lease. A true and correct copy of the article is attached as Exhibit H.

3 11. In January 2012, the Commission and USC publicly disclosed a term sheet for the
4 revised Coliseum lease. Despite the fact that the terms of the proposed deal were now public, the
5 Commission continued to meet in closed session to discuss the USC lease. True and correct copies
6 of the term sheet and a letter from the Commission announcing its public release are attached as
7 Exhibit I.

8 12. For example, at a meeting held on February 10, 2012, the Commission met in a
9 public session for approximately 15 minutes, and convened in closed session for extensive
10 discussion about the USC lease. True and correct copies of the Commission’s agenda and minutes
11 for the February 10 meeting are attached as Exhibit J. The Times reported on this meeting, and the
12 Commission’s pattern of holding its deliberations about the USC lease in closed sessions, in an
13 article published March 7, 2012 under the bylines of Mr. Pringle and Mr. Lin entitled “Coliseum
14 panel’s secret talks could jeopardize proposal on USC.” The Times reported that “the closed
15 meetings have focused on the broad outlines of the proposal, such as granting the school naming
16 rights to the stadium,” attributing the information to Commissioner Bernard C. Parks.

17 Commissioner Parks added that, “[t]here should have been public hearings. It was a dereliction of
18 our duty.” A true and correct copy of the article is attached as Exhibit K.

19 13. On March 7, 2012, the Commission held a two-and-a-half hour closed session that
20 included discussion of the USC lease. The March 7 meeting had approximately twelve minutes of
21 open session. True and correct copies of the Commission’s agendas and minutes for the March 7
22 meeting are attached as Exhibit L. Before the March 7 meeting began, Mr. Lin provided each
23 commissioner and the Commission’s attorney with a letter from The Times asking that the
24 deliberations on the proposed USC lease be held in public session. The Commission’s attorney,
25 Assistant County Counsel Thomas Faughnan, read a statement at the meeting saying that the
26 Commission has complied with the Brown Act. The Times published an article about the meeting
27 on its website on March 7, 2012 under the byline of Mr. Lin entitled “Coliseum Commission again
28

1 meets behind closed doors on USC deal.” True and correct copies of The Times’ March 7 letter
2 and article are attached as Exhibit M.

3 14. At its April 4, 2012 meeting, the Commission again held all of its discussions about
4 the USC lease in closed session. True and correct copies of the Commission’s agenda and minutes
5 for the April 4 meeting are attached as Exhibit N. The Times published an article about the
6 meeting on April 5, 2012 under the bylines of Mr. Lin and Mr. Pringle entitled “Coliseum panel
7 again bars public from discussion of proposed USC deal.” A true and correct copy of the article is
8 attached as Exhibit O.

9 15. In advance of its regularly scheduled May 2, 2012 meeting, the Commission posted
10 an agenda that included notice of another closed session discussion of the proposed lease with
11 USC, as well as an open session item labeled “USC Lease Update.” True and correct copies of the
12 Commission’s agenda and minutes for the May 2 meeting are attached as Exhibit P.

13 16. On May 1, 2012, counsel for The Times sent a letter to Coliseum Interim General
14 Manager John Sandbrook and the members of the Commission. The Times explained that the
15 Commission’s use of “USC Lease Update” in the agenda for the May 2, 2012 Commission meeting
16 is exactly the kind of vague and generalized language that does not adequately apprise the public of
17 a looming vote on a key public issue. Consequently, The Times noted that any action taken to
18 approve or reject the proposed lease with USC at the May 2 meeting would violate the Brown Act
19 because the Commission had not adequately noticed any such vote on whether to approve the lease.
20 The Times further stated that the Commission had repeatedly violated the Brown Act by
21 conducting almost all of its discussions of the USC lease in closed session, including many secret
22 sessions that did not fall within the Brown Act’s narrow exemption for discussions of the price and
23 terms of payment in a real-estate lease. See Government Code § 54956.8. The Times requested
24 that the Commission produce any notes, audio or video tapes, emails, communications, or other
25 documents that shed light on the topics discussed in closed session with respect to the USC
26 negotiations that are not within the narrow purview of Government Code § 54956.8. The Times
27 also asked the Commission to cease and desist from holding closed session discussions of topics
28 that are not covered by the exemption. The Times pointed out that the Commission’s holding of

1 hours of secret discussions covering issues such as public access to the popular sports facilities, the
2 length of the lease, and the impact on neighboring museums was, and continues to be, improper and
3 not justified by any exemption to the Brown Act. A true and correct copy of The Times' May 1,
4 2012 letter is attached as Exhibit Q.

5 17. In advance of its meeting on May 14, 2012, the Commission posted an agenda that
6 included an item labeled: "Discussion and Possible Action regarding: (a) the proposed Amended
7 and Restated Lease with the University of Southern California for the Los Angeles Memorial
8 Coliseum and Los Angeles Sports Arena for a term ending December 31, 2054, as recommended
9 by the Commission negotiating committee (Commissioners Israel, Knabe, Williams); (b) associated
10 findings regarding CEQA compliance and competitive bidding; (c) transmittal instructions to the
11 interim General Manager; and (d) the request to the State of California for a non-disturbance
12 agreement." A true and correct copy of the Commission's agenda for the May 14 meeting is
13 attached as Exhibit R. The Commission voted 8-1 at the meeting to approve the USC lease. The
14 Times reported on the decision in an article published May 15, 2012, under the byline of Mr. Lin
15 entitled "L.A. Coliseum panel OKs deal to transfer control of venue to USC." A true and correct
16 copy of the article is attached as Exhibit S.

17 18. On May 29, 2012, Mr. Faughnan sent a letter to The Times' counsel, which
18 purported to respond to The Times' May 1, 2012 letter. Mr. Faughnan asserted that the
19 Commission's May 14, 2012 approval of the USC lease complied with the Brown Act and that the
20 Commission's repeated holding of closed sessions about the USC lease prior to the May 14 vote
21 was permissible. A true and correct copy of Mr. Faughnan's letter is attached as Exhibit T.

22 19. On June 4, 2012, The Times sent a cure letter to the Commission stating that its May
23 14 vote on the USC lease violated the Brown Act because all of the substantive discussion leading
24 up to the vote took place in repeated closed sessions that violated Government Code §§ 54953,
25 54962. Pursuant to Government Code § 54960.1, The Times requested that the Commission cure
26 or correct the violation by rescinding the May 14 vote, releasing all minutes, notes, audio or video
27 tapes, emails, communications, or other materials documenting closed door discussions related to
28 the USC lease that are not explicitly covered by a statutory exemption, and then holding another

1 properly noticed public meeting with public discussion and a public vote on the USC lease. The
2 Times also asked the Commission to acknowledge that it has violated the Brown Act, and to pledge
3 not to violate the Brown Act in a similar manner in the future. A true and correct copy of The
4 Times' June 4, 2012 letter is attached as Exhibit U.

5 20. On June 8, 2012, Californians Aware wrote to the Commission also asking the
6 Commission to cure the Brown Act violations by releasing records reflecting the substance of the
7 closed door discussions related to the USC lease that are not explicitly covered by a statutory
8 exemption, by rescinding the vote to approve the USC lease, and by holding a properly noticed
9 public meeting with public discussion and a public vote on the USC lease. A true and correct copy
10 of Californians Aware's June 8, 2012 letter is attached as Exhibit V.

11 21. On July 3, 2012, Mr. Faughnan responded to both The Times and Californians
12 Aware on behalf of the Commission with a letter stating that the Commission's closed sessions did
13 not violate the Brown Act, the Commission did not discuss the USC lease in closed session at its
14 February 1, 2012 or May 2, 2012 meetings, and the Commission would not take any of the
15 corrective actions requested by Petitioners. Mr. Faughnan also claimed that the Commission did
16 not have to disclose the substance of the closed sessions because the Commission already has
17 disclosed a draft term sheet, the draft lease, and other materials. A true and correct copy of the
18 Commission's July 3, 2012 response is attached as Exhibit W.

19 **FACTUAL BACKGROUND REGARDING CPRA VIOLATIONS**

20 22. The Commission initially responded to CPRA requests from The Times in early
21 2011. However, after The Times began reporting on the financial irregularities at the Commission,
22 and after the Commission began negotiating the USC lease, the Commission began to delay its
23 responses to the Times' CPRA requests, often for months at a time. See Exs. B, E, K.

24 23. For example, on July 19, 2011, Times reporters Mr. Lin and Mr. Pringle made a
25 CPRA request to Mr. Sandbrook, the Coliseum Interim General Manager, which sought, among
26 other things, "[e]xpense reports for all Coliseum commission and association employees between
27 May 2011 and present," and documentation providing an "explanation on whether employees were
28 allowed to keep and redeem credit card reward points for purchases made on behalf of the

1 Coliseum commission and association.” Mr. Sandbrook referred the request to Mr. Faughnan, who
2 sent a letter on July 28, 2011, indicating that the Commission required further time to respond to
3 the requests. On August 19, 2011. Mr. Faughnan stated that non-exempt records responsive to the
4 request for expense reports would be provided. He also stated it was the Commission’s policy to
5 allow employees to use personal credit cards for business purposes and then to seek reimbursement
6 by filing an expense report. A true and correct copy of the correspondence between Mr. Lin and
7 Mr. Pringle of The Times and Mr. Sandbrook and Mr. Faughnan of the Commission is attached as
8 Exhibit X.

9 24. Following The Times’ correspondence with Mr. Faughnan about the July 19, 2011
10 CPRA request, Mr. Pringle and Mr. Lin learned from other sources that the Coliseum’s finance
11 director, Ronald Lederkramer, had purchased \$270,000 worth of sound equipment for the Coliseum
12 on his personal credit card. Although records documenting this expenditure clearly were
13 responsive to The Times’ July 19, 2011 CPRA request, the Commission did not produce the
14 relevant records until December 2, 2011, after The Times had independently learned about the
15 improper transaction and followed up with the Commission. A true and correct copy of the follow-
16 up correspondence between Mr. Lin and Mr. Pringle of The Times and Mr. Faughnan of the
17 Commission is attached as Exhibit Y. The Times published an article about the purchase on
18 December 11, 2011, under the bylines of Mr. Pringle and Mr. Lin, entitled “Coliseum finance
19 director earned Visa points on stadium upgrade.” A true and correct copy of the article is attached
20 as Exhibit Z.

21 25. On September 12, 2011, Times reporters Mr. Lin and Mr. Pringle made a CPRA
22 request to Interim General Manager Sandbrook requesting copies of all records concerning a failure
23 to make expected contributions to retirement and/or 401k accounts or funds for Coliseum
24 employees. More than two months later, on November 15, 2011, Mr. Faughnan responded that
25 Commission staff “has insufficient information to respond to this request.” A true and correct copy
26 of the correspondence between Mr. Lin and Mr. Pringle of The Times and Mr. Faughnan of the
27 Commission is attached as Exhibit AA.
28

1 26. Subsequent to The Times' correspondence with Mr. Faughnan regarding the
2 September 12, 2011 CPRA request, the Commission publicly acknowledged in its amended
3 complaint against the former Coliseum managers and the accompanying press release that it was
4 investigating allegations that former executives had failed to make retirement contributions, and
5 instead had delivered improper cash payments to union representatives as wages for stagehands.
6 See Ex. C. Coliseum Commissioner Bernard Parks told The Times that a Coliseum accountant
7 began examining the payments in response to The Times' CPRA request about the Coliseum's
8 failure to make the retirement account contributions. The Times reported on these developments in
9 an article published January 10, 2012, under the bylines of Mr. Pringle and Mr. Lin entitled, "Cash
10 payments made at Coliseum raves to be probed," and in an article published February 1, 2012,
11 under the bylines of Mr. Pringle and Mr. Lin entitled "Coliseum officials made \$1 million in cash
12 payments to union." True and correct copies of these articles are attached as Exhibit BB. The
13 Commission has not provided all of the responsive records to The Times in response to this request.

14 27. On October 4, 2011, Times reporter Mr. Lin made a CPRA request to Mr. Faughnan
15 and Mr. Sandbrook seeking the "full report by Mercer Consulting" that involved "an analysis on
16 wages and benefits received by Coliseum employees." Mr. Lin also requested that the Commission
17 provide "the SingerLewak report evaluating financial controls at the Coliseum" as soon as it was
18 available. Mr. Faughnan responded by letter on October 14, 2011. In a chart discussing each of
19 The Times' CPRA requests, Mr. Faughnan wrote about the request for the Mercer Consulting
20 report that the "requested record is a portion of a report that is not yet complete. Non-exempt
21 portions of the requested record will be provided when the report is finalized and distributed to a
22 majority of the members of the Commission's Committee on Human Resources and Administration
23 in advance of the Committee's meeting at which the report will be considered along with the other
24 agenda materials for that meeting." With respect to the SingerLewak report, Mr. Faughnan wrote
25 that "[t]here are no records responsive to your request at this time. The Commission reserves the
26 right to not disclose any and all portions of such report pursuant to all applicable exemptions under
27 the California Public Records Act." In the cover letter accompanying the chart, Mr. Faughnan
28 added that "[a]t this time, the facts dictate that the public interest served by not disclosing the

1 'report' by Mercer Consulting ... clearly outweighs the public interest served by the disclosure of
2 the record." He also stated that "[n]on-exempt portions of the report and recommendations and the
3 supporting analyses and surveys will be made available when they are placed upon the
4 Commission's Committee on Human Resources and Administration agenda and distributed to a
5 majority of the Committee members pursuant to the Brown Act."

6 28. On October 25, 2011, Mr. Lin reiterated The Times' request for the SingerLewak
7 report. Mr. Faughnan responded on November 21, 2011, that the "SingerLewak report is still in
8 draft form, and therefore, pursuant to Government Code section 6254(a), it is not subject to
9 disclosure." A true and correct copy of the correspondence between Mr. Lin of The Times and Mr.
10 Faughnan and Mr. Sandbrook of the Commission concerning the Mercer Consulting report and the
11 SingerLewak report is attached as Exhibit CC. The Commission has not provided either of the
12 requested reports to date.

13 29. On October 26, 2011, Mr. Lin made a CPRA request to Mr. Faughnan and Mr.
14 Sandbrook stating that "[i]n the public document that was provided to me, 'Los Angeles Memorial
15 Coliseum Commission Staff Compensation - Overview,' Mr. Sandbrook wrote that particular
16 recommendations will be provided in a separate document. Please provide that separate
17 document." Mr. Faughnan responded on November 21, 2011, that the requested documents would
18 not be provided, asserting that "[c]onfidential closed session material is not subject to disclosure
19 pursuant to Government Code sections 54957.6 and 54963." True and correct copies of the
20 correspondence between Mr. Lin of The Times and Mr. Faughnan and Mr. Sandbrook of the
21 Commission and the "Los Angeles Memorial Coliseum Commission Staff Compensation -
22 Overview" are attached as Exhibit DD. The Commission has not disclosed the requested document
23 in response to The Times' requests.

24 30. On February 1, 2012, Times reporter Mr. Pringle sent a CPRA request to Mr.
25 Faughnan seeking "copies of all communications between Mr. Sandbrook and USC from Sept. 1,
26 2011 to date." Mr. Faughnan responded on February 17, 2012, asking Mr. Pringle to clarify his
27 request. On February 20, 2012, Mr. Pringle specified that he was requesting Mr. Sandbrook's
28 communications with USC for a limited period of time. Mr. Pringle added that he expected that the

1 Commission had already performed a thorough search of the records to determine if the
2 Commission had communications regarding Mr. Sandbrook potentially being offered employment
3 by USC should the Commission approve the lease deal. Mr. Faughnan responded on March 9,
4 2012, stating that the communications were under review and that non-exempt responsive records
5 would be produced the following week. On March 21, 2012 – a month after the original request –
6 Mr. Faughnan wrote Mr. Pringle that “[w]ith respect to Mr. Sandbrook’s communications, certain
7 of the requested records are not being disclosed because they involve on-going real estate
8 negotiations with USC and the State. The public interest served by not disclosing those records
9 clearly outweigh the public interest served by disclosure, as disclosure of those records at this time
10 would potentially prejudice the Commission’s negotiating position both with USC and the State,
11 respectively, and with other interested parties, should the current negotiations not succeed.” A true
12 and correct copy of the correspondence between Mr. Lin of The Times and Mr. Faughnan and Mr.
13 Sandbrook of the Commission is attached as Exhibit EE.

14 31. Subsequent to The Times’ February 1, 2012 CPRA request, The Times learned
15 through its reporting that the California Fair Political Practices Commission has launched an
16 investigation into whether Mr. Sandbrook violated conflict of interest laws by seeking a job with
17 USC while he was involved in negotiating a new lease deal with the university on behalf of the
18 Commission. Mr. Faughnan confirmed the existence of the investigation to The Times in an e-mail
19 sent May 10, 2012. The Times published an article about the investigation on May 11, 2012, under
20 the bylines of Mr. Pringle and Mr. Lin entitled “State political watchdog is investigating L.A.
21 Coliseum chief.” True and correct copies of Mr. Faughnan’s May 10 e-mail and The Times’ May
22 11 article are attached as Exhibit FF.

23 32. On December 14, 2011, Times reporter Mr. Lin sent a CPRA request to Mr.
24 Faughnan asking for records showing how much money the Commission has paid to a variety of
25 consultants, law firms, and auditors. Mr. Faughnan responded on behalf of the Commission on
26 December 21, 2011, that the Commission would need an additional 14 days to respond to the
27 request. Mr. Lin followed up with Mr. Faughnan about the request on January 9, 2012, and March
28 30, 2012. Mr. Faughnan responded more than five months later on June 4, 2012, with records

1 showing amounts paid to SingerLewak; the County Auditor-Controller; Munger, Tolles & Olson
2 LLP; Mercer, Inc.; Burke, Williams & Sorensen, LLP; McGladrey & Pullen, LLP; and The Rogers
3 Group. However, the Commission still has not disclosed records showing how much money was
4 disbursed to Solomon, Saltsman & Jamieson, which represented the Coliseum for an alleged ABC
5 violation; nor the additional amount paid to Nedy Warren after she was hired again in late 2011, as
6 The Times requested in the December 14, 2011 query. A true and correct copy of the
7 correspondence between Mr. Lin of The Times and Mr. Faughnan of the Commission is attached as
8 Exhibit GG.

9 33. In The Times' July 19, 2011 CPRA request, it asked for expense reports for all
10 Commission employees from 2009. See Ex. X. The Commission provided expense reports on
11 August 19, 2011, that included a report from Mr. Lederkramer requesting payment for an item
12 titled "Carolina Panthers/Ridley Thomas." On September 20, 2011, Mr. Lin wrote to Mr.
13 Sandbrook and Mr. Faughnan requesting information, including an explanation of the "Carolina
14 Panthers/Ridley Thomas" payment. On November 4, 2011, Mr. Lin wrote to Mr. Sandbrook and
15 Mr. Faughnan to remind them that the Commission's response to this request was overdue, as were
16 numerous other responses. On November 14, 2011, Mr. Pringle wrote to Mr. Faughnan notifying
17 the Commission that The Times was preparing an article about the Commission's failure to comply
18 with the CPRA, citing numerous examples of outstanding requests. Mr. Faughnan responded by
19 letter on November 15, 2011, stating with respect to the "Carolina Panthers/Ridley Thomas"
20 payment, the "expenses are ticket purchases for which the Commission has been reimbursed." On
21 November 21, 2011, Mr. Pringle asked for documentation of the reimbursement. On November 22,
22 2011, Mr. Faughnan responded that Commission staff members were assembling the relevant
23 reimbursement records. In subsequent correspondence, Mr. Pringle stated that the documentation
24 of the reimbursement should have been provided in response to The Times' initial July 19, 2011
25 request.

26 34. On November 23, 2011, the Commission produced correspondence between Mr.
27 Sandbrook and Commissioner Mark Ridley-Thomas showing that the Commission had sought
28 reimbursement from Commissioner Ridley-Thomas for a request for NFL tickets his office had

1 made through the office of the Coliseum's general manager, and that Commissioner Ridley-
2 Thomas had paid \$560 to the Commission on September 16, 2011. On November 23, 2011, Mr.
3 Pringle wrote to Mr. Faughnan requesting documentation of various statements in the
4 correspondence, including a copy of the Commission's invoice to Commissioner Ridley-Thomas.
5 The Commission produced the invoice on November 23, 2011. The Times published an article
6 about the payment on December 8, 2011, under the bylines of Mr. Pringle and Mr. Lin entitled
7 "Coliseum commissioner Ridley-Thomas tied to questionable expenditure." After The Times
8 published this article, Commission President David Israel e-mailed Mr. Pringle and Mr. Lin to say
9 that after reading their article, he "asked [his] own questions and saw the cancelled check." The
10 Commission produced a copy of the check on December 16, 2011. A true and correct copy of the
11 correspondence between Mr. Lin and Mr. Pringle of The Times and Mr. Faughnan and Mr. Israel of
12 the Commission is attached as Exhibit HH. A true and correct copy of The Times' December 8,
13 2011 article is attached as Exhibit II.

14 35. The Times' November 4, 2011 CPRA request also sought records relating to ROK
15 Americas, "including, but not limited to, bids, invoices, letters, presentations, memos and emails,"
16 as well as agendas, minutes, and audio recordings of any discussion of ROK Americas at
17 Commission meetings. See Ex. HH. After not receiving a response to the request for more than
18 seven months, Mr. Pringle wrote to Mr. Faughnan on June 19, 2012 to ask about the delay. The
19 Commission responded on June 28, 2012 by producing some records, but pertinent records were
20 missing, including apparently at least one email exchange between former Coliseum technology
21 manager Leopold Caudillo and ROK employees, and documents relating to a report on camera
22 installation prepared by Mr. Caudillo. Mr. Faughnan admitted on June 29, 2012, that staff had
23 failed to check Mr. Caudillo's emails for more than seven months. Although the Commission
24 released some additional correspondence involving Mr. Caudillo on June 29, it appears the
25 Commission still has not produced all of the relevant ROK Americas records requested by The
26 Times, including failing to provide any emails between Mr. Caudillo and ROK employees. True
27 and correct copies of the correspondence between Mr. Pringle of The Times and Mr. Faughnan of
28

1 the Commission, and an e-mail exchange between Mr. Caudillo and ROK employees that the
2 Commission did not produce, are attached as Exhibit JJ.

3 36. The Times' May 1, 2012 letter regarding the Commission's Brown Act violations
4 also discussed the Commission's response, and lack of response, to several of The Times' CPRA
5 requests. The Times reiterated its request for records, including documents related to the failure to
6 make expected contributions to employee retirement accounts; the Mercer and SingerLewak
7 reports; Mr. Sandbrook's written recommendations on compensation changes; Mr. Sandbrook's e-
8 mails with representatives of USC; and all of the records identified in the December 14, 2011
9 request to which The Times never received a response. The Times also noted that on other
10 occasions the Commission has produced some requested records but only after delays that stretched
11 for many months beyond the CPRA's deadlines for disclosure. See Ex. Q.

12 37. In Mr. Faughnan's May 29, 2012, letter, he stated the Commission will not produce
13 the Mercer and SingerLewak reports, will not produce Mr. Sandbrook's written recommendations
14 regarding compensation, as referenced in the document "Los Angeles Memorial Coliseum
15 Commission Staff Compensation – Overview," and will not disclose numerous e-mails between
16 Mr. Sandbrook and USC representatives. See Ex. T.

17 38. In The Times' June 4, 2012 Brown Act cure letter, The Times also reiterated its
18 demand under the CPRA that the Commission produce the improperly withheld public records.
19 See Ex. U.

20 **FIRST CAUSE OF ACTION (BROWN ACT VIOLATIONS)**

21 39. Petitioners hereby reallege and incorporate by reference Paragraphs 1 through 40 of
22 this Petition.

23 40. Pursuant to Government Code § 54960, any interested persons, such as Petitioners,
24 may "commence an action by mandamus, injunction or declaratory relief for the purpose of
25 stopping or preventing violations or threatened violations" of the Brown Act, or "to determine the
26 applicability" of the Brown Act "to actions or threatened future action" of the legislative body, or
27 "to compel the legislative body to audio record its closed sessions."
28

1 41. Petitioners allege that the Commission has violated the Brown Act by repeatedly
2 convening closed sessions to engage in lengthy discussions of the USC lease in violation of the
3 Act. In particular, the Commission's September 7, 2011, October 5, 2011, November 2, 2011,
4 December 7, 2011, December 21, 2011, January 11, 2012, February 10, 2012, March 7, 2012, and
5 April 4, 2012, meetings included closed session items about the USC lease, during which the
6 discussion went beyond the limited exemption in Government Code § 54956.8, which applies only
7 to the price and terms of payment for a lease that is being negotiated. The Commission's closed
8 session discussions violated Government Code § 54953, which requires that "[a]ll meetings of the
9 legislative body of a local agency shall be open and public, and all persons shall be permitted to
10 attend any meeting of the legislative body of a local agency," unless a specific exemption applies,
11 and Government Code § 54962, which states that "no closed session may be held by any legislative
12 body of any local agency" unless expressly authorized by statute.

13 42. The Commission's vote at its May 14, 2012 meeting to approve the USC lease also
14 violated Government Code Section 54953 and Section 54962 because it was based on the improper
15 closed session discussions at the September 7, 2011, October 5, 2011, November 2, 2011,
16 December 7, 2011, December 21, 2011, January 11, 2012, February 10, 2012, March 7, 2012, and
17 April 4, 2012, meetings.

18 43. The Commission has a history of violating the Brown Act that predates its
19 consideration of the USC lease. See Ex. A. Also, by canceling its February 1, 2012 meeting in
20 mid-session after The Times called attention to the deficient public notice, the Commission
21 acknowledged that it had violated the notice requirement of Government Code § 54954.2. See Ex.
22 H. The Commission provided more detailed notice for the possible action on the USC lease in
23 advance of its May 14, 2012 meeting only after The Times pointed out in its May 1, 2012 letter that
24 the agenda for the May 2, 2012 Commission meeting violated § 54954.2. See Exs. Q, S.

25 44. Petitioners have notified the Commission of these Brown Act violations, both in The
26 Times' published articles, in The Times' March 7, 2012, May 1, 2012, and June 4, 2012 letters, and
27 in Californians Aware's June 8, 2012 letter. See Exs. M, Q, U, V. The Commission has refused to
28

1 acknowledge or correct even the most egregious of these violations. Consequently, Petitioners
2 have reason to believe that the Commission will continue to violate the Brown Act in the future.

3 45. Petitioners request that this Court hold and declare that the Commission violated the
4 Brown Act on September 7, 2011, October 5, 2011, November 2, 2011, December 7, 2011,
5 December 21, 2011, January 11, 2012, February 10, 2012, March 7, 2012, and April 4, 2012, in that
6 the Commission held improper closed session discussions about the USC lease that went beyond
7 the limited exemption in Government Code § 54956.8. Petitioners also request that this Court issue
8 a writ of mandate compelling the Commission to produce for in camera review all documents,
9 reports, minutes, transcripts, tapes, and any other records shedding light on the closed sessions at
10 the September 7, 2011, October 5, 2011, November 2, 2011, December 7, 2011, December 21,
11 2011, January 11, 2012, February 10, 2012, March 7, 2012, and April 4, 2012. Petitioners further
12 request that the Court order the Commission to publicly disclose all documents, reports, minutes,
13 transcripts, and tapes of the portions of the closed sessions that the Court determines were outside
14 the scope of the posted agenda items and were not permitted for closed-session discussion under the
15 Brown Act.

16 46. Petitioners request that this Court hold and declare that the Commission violated the
17 Brown Act on May 14, 2012 by voting to approve the USC lease based on the improper closed
18 session discussions at the September 7, 2011, October 5, 2011, November 2, 2011, December 7,
19 2011, December 21, 2011, January 11, 2012, February 10, 2012, March 7, 2012, and April 4, 2012
20 meetings. Petitioners also request that this Court issue a writ of mandate compelling the
21 Commission to nullify its May 14, 2012 action approving the USC lease; set the matter for a new
22 public meeting, public discussion, and public vote, with a properly noticed agenda. Petitioners also
23 request that this Court issue a writ of mandate compelling the Commission to record with videotape
24 and audiotape its closed sessions for three years following entry of judgment in this matter; to
25 discuss and act upon in closed session only those items expressly authorized to be discussed and
26 acted upon in closed session; and to report the vote or abstention of each Commission member
27 present on each action taken in closed session.

28 **SECOND CAUSE OF ACTION (CPRA VIOLATIONS)**

1 47. The Times hereby realleges and incorporates by reference Paragraphs 1 through 48
2 of this Petition.

3 48. Pursuant to Government Code § 6258, any persons, such as The Times, may
4 “institute proceedings for injunctive or declarative relief or writ of mandate in any court of
5 competent jurisdiction to enforce his or her right to inspect or to receive a copy of any public record
6 or class of public records under this chapter.”

7 49. The Commission has violated the CPRA by improperly withholding records related
8 to a failure to make expected contributions to retirement and/or 401k accounts or funds for
9 Coliseum employees; the Mercer report; the SingerLewak report; the written recommendations
10 regarding employee compensation mentioned in the document, “Los Angeles Memorial Coliseum
11 Commission Staff Compensation – Overview”; a complete set of communications between Mr.
12 Sandbrook and USC from September 1, 2011 to date; records showing how much money the
13 Commission has paid to Solomon, Saltsman & Jamieson and Nedy Warren; and records relating to
14 Mr. Caudillo and ROK Americas. By refusing to disclose these public records, the Commission
15 has violated the CPRA, including Government Code § 6253(b), which provides, in pertinent part,
16 that “[e]xcept with respect to public records exempt from disclosure by express provisions of law,
17 each state or local agency, upon a request for a copy of records that reasonably describes an
18 identifiable record or records, shall make the records promptly available to any person[.]” The
19 Commission has also violated Government Code § 6253(c), which provides in pertinent part that
20 “[e]ach agency, upon a request for a copy of records, shall, within 10 days from receipt of the
21 request, determine whether the request, in whole or in part, seeks copies of disclosable public
22 records in the possession of the agency and shall promptly notify the person making the request of
23 the determination and the reasons therefor. In unusual circumstances, the time limit prescribed in
24 this section may be extended by written notice ... [but n]o notice shall specify a date that would
25 result in an extension for more than 14 days.”

26 50. The Commission has also violated the CPRA by unlawfully withholding and/or
27 delaying its production of records related to Mr. Lederkramer’s purchase of \$270,000 worth of
28 sound equipment for the Coliseum using his personal credit card; records showing how much the

Commission has paid to SingerLewak, the County Auditor-Controller, Munger, Tolles & Olson LLP, Mercer, Inc., Burke, Williams & Sorensen, LLP, McGladrey & Pullen, LLP, and The Rogers Group; and records related to Commissioner Mark Ridley-Thomas' purchase of NFL tickets. By delaying its production of these public records beyond the statutory deadlines, the Commission has violated the CPRA, including Government Code §§ 6253(b), 6253(c).

51. The Times has notified the Commission of its CPRA violations in correspondence, published articles, and The Times' May 1, 2012, and June 4, 2012 letters. See Exs. Q, U. The Commission's repeated refusal to disclose non-exempt public records within the deadlines established by the CPRA gives The Times reason to believe that the Commission will continue to refuse to permit members of the public, including The Times, to inspect or obtain copies of the requested public records in violation of the CPRA.

52. The Times alleges in accordance with Government Code § 6259(a) that the information it seeks from the Commission is maintained in Los Angeles County.

53. The Times requests that, pursuant to Government Code § 6259, this Court issue a writ of mandate compelling the Commission to release the requested records related to a failure to make expected contributions to retirement and/or 401k accounts or funds for Coliseum employees; the Mercer report; the SingerLewak report; the written recommendations regarding employee compensation mentioned in the document, "Los Angeles Memorial Coliseum Commission Staff Compensation – Overview"; a complete set of communications between Mr. Sandbrook and USC from September 1, 2011 to date; records showing how much money the Commission has paid to Solomon, Saltsman & Jamieson and Nedy Warren; and records relating to ROK Americas, including but not limited to the correspondence between Mr. Caudillo and ROK Americas.

54. The Times also requests that, pursuant to Government Code § 6258, this Court hold and declare that the Commission violated the CPRA by unlawfully withholding and/or delaying production of the requested records related to a failure to make expected contributions to retirement and/or 401k accounts or funds for Coliseum employees; the Mercer report; the SingerLewak report; the written recommendations regarding employee compensation mentioned in the document, "Los Angeles Memorial Coliseum Commission Staff Compensation – Overview"; a complete set of

1 communications between Mr. Sandbrook and USC from September 1, 2011 to date; how much
2 money the Commission has paid to Solomon, Saltsman & Jamieson and Nedy Warren; ROK
3 Americas; Mr. Lederkramer's purchase of \$270,000 worth of sound equipment for the Coliseum
4 using his personal credit card; how much the Commission has paid to SingerLewak, the County
5 Auditor-Controller, Munger, Tolles & Olson LLP, Mercer, Inc., Burke, Williams & Sorensen, LLP,
6 McGladrey & Pullen, LLP, and The Rogers Group; and Commissioner Mark Ridley-Thomas'
7 purchase of NFL tickets.

8 PRAYER FOR RELIEF

9 THEREFORE, Petitioners request that:

10 ON THE FIRST CAUSE OF ACTION (BROWN ACT VIOLATIONS)

11 1. This Court enter a declaratory judgment that the Commission violated the Brown
12 Act during its September 7, 2011, October 5, 2011, November 2, 2011, December 7, 2011,
13 December 21, 2011, January 11, 2012, February 10, 2012, March 7, 2012, April 4, 2012, and May
14 14, 2012 meetings, and on any other dates that the Court determines that such violations have
15 occurred;

16 2. That the Court issue a peremptory writ of mandate ordering the Board to:

17 a. nullify its May 14, 2012 action approving the USC lease pursuant to Government
18 Code § 54960.1, and set the matter for a new public meeting, public discussion, and public vote,
19 with a properly noticed agenda;

20 b. produce for in camera review all of the Commission's documents, reports, minutes,
21 transcripts, and tapes of its closed-session meetings on September 7, 2011, October 5, 2011,
22 November 2, 2011, December 7, 2011, December 21, 2011, January 11, 2012, February 10, 2012,
23 March 7, 2012, and April 4, 2012, to allow the Court to determine whether the Commission held
24 discussions outside the scope of the posted agenda items, discussed topics not expressly permitted
25 by statute for closed session, or took action not formally reported;

26 c. immediately release to the public all documents, reports, minutes, transcripts, and
27 tapes of the closed sessions that the Court determines were outside the scope of the posted agenda
28 items on September 7, 2011, October 5, 2011, November 2, 2011, December 7, 2011, December

21, 2011, January 11, 2012, February 10, 2012, March 7, 2012, and April 4, 2012, and were not permitted for closed-session discussion under the Brown Act;

d. record with videotape and audiotape all of the Commission's closed sessions pursuant to Section 54960 for three years following entry of judgment in this matter, and to maintain those recordings according to law;

e. discuss and act upon in closed session only those items expressly authorized to be discussed and acted upon in closed session pursuant to Section 54954.2; and

f. report the vote or abstention of each Commission member present on each action taken in closed session pursuant to Section 54960.5.

3. The Court enter an order awarding Petitioners their reasonable attorneys' fees and costs incurred in bringing this action, pursuant to Government Code § 54960.5, or, in the alternative, pursuant to Code of Civil Procedure § 1021.5;

ON THE SECOND CAUSE OF ACTION (CPRA VIOLATIONS)

1. This Court issue a peremptory writ of mandate, immediately directing the Commission to disclose to The Times all non-exempt public records requested by The Times under the CPRA, including, without limitation, the requested records related to a failure to make expected contributions to retirement and/or 401k accounts or funds for Coliseum employees; the Mercer report; the SingerLewak report; the written recommendations regarding employee compensation mentioned in the document, "Los Angeles Memorial Coliseum Commission Staff Compensation – Overview"; a complete set of communications between Mr. Sandbrook and USC from September 1, 2011 to date; how much money the Commission has paid to Solomon, Saltsman & Jamieson and Nedy Warren; and records relating to ROK Americas, including but not limited to the correspondence between Mr. Caudillo and ROK Americas, or, in the alternative, that this Court issue an order to show cause why these records should not be disclosed;

2. This Court enter a declaratory judgment that the Commission violated the CPRA by unlawfully withholding and/or delaying production of the requested records related to a failure to make expected contributions to retirement and/or 401k accounts or funds for Coliseum employees; the Mercer report; the SingerLewak report; the written recommendations regarding employee

1 compensation mentioned in the document, "Los Angeles Memorial Coliseum Commission Staff
2 Compensation – Overview"; a complete set of communications between Mr. Sandbrook and USC
3 from September 1, 2011 to date; how much money the Commission has paid to Solomon, Saltsman
4 & Jamieson and Nedy Warren; ROK Americas; Mr. Lederkramer's purchase of \$270,000 worth of
5 sound equipment for the Coliseum using his personal credit card; how much the Commission has
6 paid to SingerLewak, the County Auditor-Controller, Munger, Tolles & Olson LLP, Mercer, Inc.,
7 Burke, Williams & Sorensen, LLP, McGladrey & Pullen, LLP, and The Rogers Group; and
8 Commissioner Mark Ridley-Thomas' purchase of NFL tickets.

9 3. The Court enter an order awarding The Times its reasonable attorneys' fees and
10 costs incurred in bringing this action, pursuant to Government Code § 6259, or, in the alternative,
11 pursuant to Code of Civil Procedure § 1021.5.

12 **ON ALL CAUSES OF ACTION**

13 1. The Court award such further relief as is just and proper.

14
15 DATED: July 18, 2012

DAVIS WRIGHT TREMAINE LLP
KELLI L. SAGER
JEFF GLASSER
DAN LAIDMAN

18 LOS ANGELES TIMES COMMUNICATIONS LLC
KARLENE W. GOLLER

19 CALIFORNIANS AWARE
20 JOSEPH T. FRANCKE
KELLY A. AVILES

21 By: Kelli L. Sager /DL
Kelli L. Sager

22
23 Attorneys for Petitioners
24 LOS ANGELES TIMES COMMUNICATIONS
25 LLC and CALIFORNIANS AWARE
26
27
28

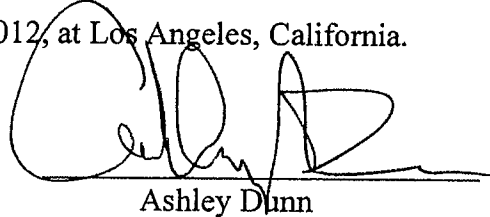
VERIFICATION

I, Ashley Dunn, declare:

1. I am an Assistant Managing Editor for the Los Angeles Times, which is published by Los Angeles Times Communications LLC ("The Times"), the Petitioner in this action, and I am authorized to make this Verification on The Times' behalf.

2. I have read the VERIFIED PETITION FOR DECLARATORY RELIEF AND WRIT OF MANDATE DIRECTED TO THE LOS ANGELES MEMORIAL COLISEUM COMMISSION ORDERING COMPLIANCE WITH THE RALPH M. BROWN ACT AND CALIFORNIA PUBLIC RECORDS ACT. The facts stated in the Petition are either true and correct of my own personal knowledge, or I am informed and believe that such facts are true and correct, and on that basis I allege them to be true and correct.

I declare under penalty of perjury that the foregoing is true and correct and that this verification was executed this 18th day of July 2012, at Los Angeles, California.



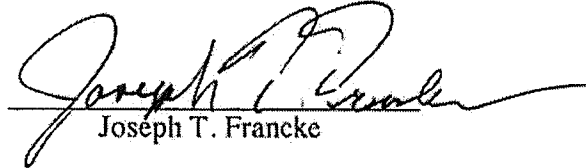
Ashley Dunn

VERIFICATION

I, Joseph T. Francke, declare:

1. I am the General Counsel of Californians Aware, the Petitioner in this action, and I am authorized to make this Verification on its behalf.
2. I have read the VERIFIED PETITION FOR DECLARATORY RELIEF AND WRIT OF MANDATE DIRECTED TO THE LOS ANGELES MEMORIAL COLISEUM COMMISSION ORDERING COMPLIANCE WITH THE RALPH M. BROWN ACT AND CALIFORNIA PUBLIC RECORDS ACT. The facts stated in the Petition are either true and correct of my own personal knowledge, or I am informed and believe that such facts are true and correct, and on that basis I allege them to be true and correct.

I declare under penalty of perjury that the foregoing is true and correct and that this verification was executed this 17th day of July 2012, at Carmichael, California.


Joseph T. Francke